

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ALEX JOSEPH,	:	NO. 1:11-CV-320
	:	
Plaintiff,	:	
	:	
vs.	:	ORDER
	:	
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
	:	
Defendant.	:	

This matter is before the Court on the Magistrate Judge's Report and Recommendation (doc. 12), Defendant's objections thereto (doc. 13) and Plaintiff's response in support thereof (doc. 14).

In brief, having determined that the Administrative Law Judge's decision in this matter was based on legal error and not supported by substantial evidence in the record, the Magistrate Judge recommends that the Commissioner's decision denying Plaintiff's applications for Disability Insurance Benefits and Social Security Income benefits be reversed and that Plaintiff be granted an immediate award of benefits (doc. 12).

As required by 29 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo the filings in this matter. Upon thorough consideration of the foregoing, the Court finds Defendant's objections unpersuasive and determines that

the Magistrate Judge's Report and Recommendation is thorough, well-reasoned and correct in all respects. The Court finds the ALJ's decision to deny Plaintiff's applications for benefits was not supported by substantial evidence in the record and was based on legal error. The Court further finds (i) that substantial evidence supports a finding of disability, and, thus, further fact-finding in this matter is unwarranted; and (ii) that April 1, 2005 is Plaintiff's proper disability-onset date. Accordingly, the Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation (doc. 12) in its entirety; REVERSES the decision of the Commissioner, pursuant to 42 U.S.C. §405(g); REMANDS this case for an immediate award of benefits consistent with this Order, pursuant to 42 U.S.C. §405(g) and Faucher v. Secretary of Health and Human Services, 17 F.3d 171, 176 (6th Cir. 1994); and CLOSES this case from the Court's docket.

SO ORDERED.

Date: July 5, 2012

s/S. Arthur Spiegel
S. Arthur Spiegel
United States District Senior Judge